

DEVELOPMENT MANAGEMENT COMMITTEE – 24 FEBRUARY 2016

Application Number	3/15/2502/VAR
Proposal	Variation of Condition 2 (approved plans) of planning ref. no. 3/14/1766/FP to provide 2no additional ground floor apartments resulting in the demolition of the existing buildings and the creation of 51no. two, three and four bedroom houses and apartments, plus associated roads, car parking and landscaping.
Location	Land West of Hertford Regional College, London Road, Ware
Applicant	Mr Charles Church
Parish	Ware
Ward	Ware – Chadwell

Date of Registration of Application	17 December 2015
Target Determination Date	17 March 2016
Reason for Committee Report	Major planning application.
Case Officer	Nicola McKay

RECOMMENDATION:

That planning permission be **GRANTED** subject to a legal agreement and conditions set out at the end of this report.

1.0 Summary

- 1.1 The application proposes a variation to Condition 2 (approved plans) of the planning permission granted on appeal in May 2015 under LPA reference 3/14/1766/FP. The proposal is to provide 2 additional apartments, increasing the proposed number of units on the site from 49 to 51.
- 1.2 Officers consider that the revised proposal would not significantly alter the impact that the development would have on the amenities of neighbouring occupiers; the character and appearance of the area or on the setting of the Ware Conservation Area. The proposal for one of the additional two units to form affordable housing is considered to be acceptable. Giving substantial weight to the Inspector's conclusions in respect of parking provision (see appeal decision attached), Officers consider that there is no evidence to demonstrate that the two additional units would result in an inadequate parking provision on the site such that would create an unacceptable impact on the site itself or within the surrounding area such as to justify the refusal of planning permission.

2.0 Site Description

- 2.1 The application site is shown on the attached OS Map. It is located within the southern part of Ware, within the built up area of the town and is outside the Conservation Area. The boundary of the Conservation Area lies directly north of the site.
- 2.2 The site previously formed part of the Hertford Regional College but now appears to be within the ownership of the applicant.
- 2.3 Scotts Road, to the west of the site, is mainly comprised of detached dwelling houses which front the road but are generally set back from it, with driveways to the front. Most of these neighbouring dwellings are sited on higher ground than Scotts Road which itself rises fairly steeply in a north to south direction.
- 2.4 Adjoining the south of the site is Scotts Close, a small cul-de-sac of two storey and 1 ½ storey dwellings.
- 2.5 Following the grant of planning permission in 2014 (LPA ref. 3/14/0411/FP) a new college building has been constructed to the east of the site. The existing college buildings within the application site are now redundant and are currently in the process of being demolished. The vehicular access into the college is now taken from Walton Road and the vehicular access from Scotts Road now serves the application site.

3.0 Background to Proposal

- 3.1 The current application proposes a variation to the planning permission granted on appeal to provide 2 additional apartments, increasing the number of units on the site from 49 to 51.
- 3.2 The proposal involves a reconfiguration of the ground floor of the apartment block. The southern part of the ground floor of the apartment block was previously proposed to serve a parking area to provide 5 undercroft parking spaces, with two separate areas for refuse and cycle storage. The current proposal is to combine the cycle and refuse storage into one area within the eastern corner of the building, with the two additional units occupying the western section of this area and two undercroft parking spaces being retained in between these two areas.
- 3.3 The parking spaces removed from the ground floor area of the apartment block are proposed to be redistributed within the open

parking area to the south of the building and therefore the number of parking spaces, which is 70 in total, would remain the same. As one of the vehicular accesses into the apartment building has now been removed, this frees up some additional space along the rear of the building to provide for the three parking spaces that would be displaced from within the undercroft building itself.

- 3.4 The footprint of the apartment building would remain unchanged from the previous approval, except for a small reduction where the rear elevation would be set back at ground floor to allow for a small terrace to Plot 1.
- 3.5 The elevations of the apartment building would remain unchanged except that in the Scotts Road elevation, 2No. openings shown with railings on the approved plans would be replaced with windows to serve the two additional apartments, and to the rear elevation 1No. vehicle and 1No. pedestrian entrances and 2 openings, shown with railings on the approved plans, would be removed and replaced with 7 new windows, one with a Juliet style balcony and one with a steel and timber balcony to form a ground floor terrace.
- 3.6 The siting of the apartment block, including the set back from Hertford Road remains the same as the previous proposal. The height of the building also remains the same.
- 3.7 The layout and detailed design of the proposed dwelling houses remains unchanged by the current proposal.

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy
Design and layout and the impact upon the setting of the Ware Conservation Area.	Sections 7 and 12	ENV1, ENV2 and BH6
The provision for affordable housing and contributions towards local services and infrastructure.	Paragraphs 203-206	HSG3 and IMP1
Impact upon neighbour amenity.	Section 7	ENV1
Parking provision.	Section 4 and 7	TR7

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Emerging District Plan

5.1 In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above. Given its stage in preparation, little weight can currently be accorded to the emerging Plan.

6.0 Summary of Consultee Responses

- 6.1 The County Historic Environment Advisor has commented that, during recent archaeological monitoring of groundworks associated with the new college building to the east of the application site, no archaeological remains were observed. However, it is uncertain whether this would also be the case for the current site and a condition is recommended to require an archaeological investigation to be carried out.
- 6.2 Historic England has no comments to make on the application.
- 6.3 Natural England has no comments to make on the application.
- 6.4 The Conservation Officer has commented that it is not considered that the proposed variation would have any implications for heritage or urban design when compared to the plans of the existing permission.
- 6.5 The Environmental Agency has no comments to make on the proposal.
- 6.6 Affinity Water has commented that the site is within the groundwater Source Protection Zone of Musley Lane Pumping Station and that the construction works should follow relevant British Standards and Best Management Practices.
- 6.7 The County Environmental Resource Planning team have commented that the proposed variation does not include any change that may affect the drainage arrangements of the site. They have no objections in respect of drainage matters and recommend that the planning conditions that were included in the appeal decision are maintained.
- 6.8 County Highways do not wish to restrict the grant of permission. They comment as follows:

The addition of two flats will result in increased trip movements to and from the site, but this is likely to be modest, with no significant impact on the free and safe flow of users of the public highway.

They comment that the addition of two flats with no additional parking provision is far from ideal and will place additional pressure on the surrounding public highway to accommodate the shortfall. With this in mind, the Highway Authority is of the view that the inclusion of a Travel Plan Statement and associated 'evaluation and support contribution' for the development would be justified, especially bearing in mind the fact that the two additional dwellings takes the total number of units from 49 to 51 and this places it within the threshold for a Travel Plan Statement as outlined in the HCC Travel Plan Guidance.

Turning to the wider sustainable transport contributions that were previously requested (and agreed to) by the applicant, this was set at £35,000 index linked by SPONS from 2006. This is still considered relevant and justified. The Hertford and Ware Urban Transport Plan outlines a number of schemes that are relevant to this site, and these include town centre works to improve the free and safe flow of pedestrians and buses, as well as wider improvements to pedestrian links between Ware and Hertford.

In terms of the changes to on-site parking layout, some bays have been relocated closer to the new northern access than the previous scheme. However, there should still be sufficient visibility between a driver entering the site and another exiting from one of these spaces to ensure no inherent safety issue.

Turning to the new access designs, their previous comments raised some concern about the width of these which were (and still are) shown as 6 metres. Roads in Herts states that developments up to 100 dwellings can be accessed from a 4.8 metre wide access, and up to 300 dwellings from a 5.5. metre wide access. Excessively wide accesses can make pedestrians crossing over them feel vulnerable. As such, the Highway Authority requested that the applicant investigate whether the accesses can be reduced in width to accord more closely with standards. It is noted, however, that the Inspector made no reference to this in his appeal statement and, bearing this in mind, our previous recommended condition 1 has been removed.

7.0 Town Council Representations

7.1 Ware Town Council objects to the proposal for the following reasons:

- The proposal adds two apartments without adding any parking spaces meaning that there is no longer one parking space per apartment;
- The addition of the two apartments has led to a reduction in the size of the parking spaces for the apartments meaning that they no longer comply with the Lifetime Homes standard;
- To comply with the Lifetime Homes standard there should be 30 accessible spaces plus one space each per apartment, a total of 60 spaces for the apartment block;
- The parking for the apartments and three of the houses would now be unallocated which would make the parking situation on the development worse and could lead to it being used by commuters and staff and students of the college;
- This proposal would exacerbate parking problems in a congested area even further than the original proposals;
- The addition of dwellings should lead to an increase in the provision of affordable housing;
- If the development exceeds 50 dwellings there should be a financial contribution from the developer towards local transport.

8.0 Summary of Other Representations

- 8.1 23 representations have been received, including representations from the Scotts Road Residents Committee and the Ware Society, which can be summarised as follows:
- A commensurate amount of parking provision has not been made for the two additional flats;
 - There are existing high levels of traffic between Hertford and Ware;
 - The local train station cannot cope with more commuters and the trains are full;
 - The nearby bus stops and railway station will not stop residents from having their own vehicles leading to chronic parking problems on and off the site;
 - The proposal would further compound serious parking issues and lead to chaos;
 - Commuters and students currently park all day in Myddleton Road and the proposal will undoubtedly impact further on residents of this road;

- Due to the selling price of the houses and apartments it is probable that the purchasers will have at least one car per household;
- The shortfall in parking spaces will add pressure to surrounding roads for parking with the possibility of other car owners eg college students, commuters and shoppers using the apartment spaces as they are not allocated and will lead to stressful and aggressive behaviour between residents;
- The apartments will not even have one allocated parking space;
- There is insufficient provision for visitors, trades, refuse lorries/emergency vehicles etc;
- The proposal would result in a loss of amenity to the area;
- Scotts Road is already used as a rat-run between Hoe Lane and Hertford Road and the development could add to the potential for accidents with increased traffic congestion;
- The parking spaces are only 1.2 metre wide making it difficult for larger vehicles and disabled people to park;
- The garage spaces would be only 2.5 metres wide making it difficult to park larger cars and younger generations do not tend to use their garages;
- No additional affordable housing is proposed;
- No financial support for investments in transport schemes is proposed;
- The flats are being marketed as being to lifetime home standards yet no provision has been made for disabled parking, requiring parking spaces of at least 3.3 metres in width, which is a key component of this standard;
- The Council's Vehicle Parking SPD requires 1 parking space for disabled motorists for each dwelling built to mobility standards i.e. all of the apartments in this case;
- The Council should encourage the developer to reduce the number of flats and make more room for parking;

- The proposal results in overdevelopment;
- Trees have already been removed at the site;
- The design is intrusive and ruins the view of the local surroundings;
- There is no benefit to the increased number of units except an increased profit for the developer.

9.0 Planning History

Ref	Proposal	Decision	Date
3/14/1766/FP	Demolition of the existing buildings and the creation of 49 no. two, three and four bedroom houses and apartments, plus associated roads, car parking and landscaping.	Allowed on appeal	May 2015
3/14/0411/FP	Redevelopment of the eastern section of the site to provide a new college building, car parking, associated access and landscaping, including demolition of existing buildings.	Granted	April 2014
3/13/1762/FP	Redevelopment to provide a new college building and enabling residential development of 50 dwellings, car parking, associated access and landscaping including demolition of existing buildings.	Refused and dismissed at appeal	February 2014 and May 2015
3/06/1175/FP	Redevelopment of the college site comprising the demolition of 11 buildings and construction of 3 new linked buildings together with associated car and cycle parking,	Granted	September 2006

	footpaths and landscaping.		
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10.0 Consideration of Relevant Issues

10.1 Since the Inspector's decision to allow the appeal and grant planning permission for the proposal for 49 units on this site, there have been no changes in planning policy or other circumstances to warrant a different approach being taken in respect of the matters that were considered by the Inspector. The Inspector's decision is attached to this report as Essential Reference Paper A. The determining considerations for the current application therefore relate to the impact that the proposed amendments to the approved plans would have and, in particular, any additional impact that this would have on parking provision; affordable housing and other planning obligations; design and layout, and the impact upon the amenities of neighbouring occupiers.

Parking

- 10.2 The total parking provision made for the site is 70 spaces, which remains the same as within the previously proposed development, allowed at appeal last year. Consideration must be given, therefore, to the impact that these two additional units would have on parking provision on the site and whether the provision of 70 spaces would remain acceptable given the increase in the number of units to 51.
- 10.3 The proposal allows for two parking spaces for each of the houses on plots 37-49, some of which are provided within integral garages. One allocated space would also be provided for each of the houses on plots 29-36 and 36 unallocated spaces would then be available to all residents of the site, including the occupiers of Plots 1-36.
- 10.4 Within the previous appeal decision, the Inspector noted that the Council's adopted maximum parking standards recommend a provision of up to 99 spaces for 49 units, with a reduction to 66 spaces allowed for within the Council's Vehicular Parking SPD for sites that are located within Zone 2. The site is within 120m of the zone 2 boundary, and the Inspector commented therefore that a lower provision of parking was acceptable in this location
- 10.5 For 51 units, the adopted Local Plan parking standards expect a maximum provision of 102 spaces and a reduced provision of 51 - 74 as the site lies within zone 3. The standard within the Council's Draft parking standards would be 119 spaces, but with a reduced provision of 50-100% as the site is within zone 3, resulting in a requirement of 59.5 -

119 spaces. Given the close proximity of the site to zone 2, if the reductions for that zone are applied then this would result in a requirement of 25.5 - 51 spaces in accordance with the current adopted standards and 29.75 - 119 spaces in accordance with the draft standards.

- 10.6 The Inspector's appeal decision in relation to the parking provision made for the appeal proposals is a material planning consideration in the determination of this proposal and states as follows:

'There is no dispute between the parties that the site is sustainably located. The Council balked at the phrase "highly sustainable", but I consider it is not unwarranted. The site lies across the river from the town centre, nearly all of which is within 10 minutes walking distance. Local schools and virtually every other facility in Ware lie within 15 minutes walk, the station is only 5 minutes away and two bus stops are right outside (closer to the site than to development within zone 2). The station has direct services to London and to other towns across the region, while there are regular buses to Hertford, Ware itself and other towns. This evidence was not disputed and is strong enough on its own to suggest to me the site is one envisaged in the SPD and TR7 where lower standards should apply. In which case the parking proposed would seem to be perfectly adequate' (paragraph 27).

- 10.7 Having regard to the Inspector's conclusions in relation to the highly sustainable location of the site and the acceptability of allowing a lower parking provision as a result, Officers consider that the lower parking provision proposed within this application would remain acceptable and would not result in any significant harm in relation to parking provision within or surrounding the application site. That view reflects, and is supported by, the Inspector's reasoning within the recent appeal decision.
- 10.8 It is acknowledged that neighbouring residents, and the Town Council, remain concerned by the parking provision made for the site and reference has been made to the proposal no longer providing 1 space for each of the apartments. However, it is important to note that condition 8 of the Inspector's decision on the previous scheme required that 36 of the parking spaces on the site be unallocated and the apartments within the approved scheme would not have had allocated parking in any event. The situation would be much the same, therefore, within the currently proposed scheme.
- 10.9 It is noted that, due to a break in land levels between Plots 31 and 32 which would prevent vehicular access between the northern and

southern parts of the site, the unallocated spaces within the southern part of the site are more likely to be used by the occupiers of Plots 32-49. The current proposal would provide 34 parking spaces within close proximity of Plots 1-31, and plots 50 and 51, and three of these spaces would be allocated to provide 1 designated space for each of the houses forming Plots 29-31. Therefore, 31 unallocated spaces would be available for the occupiers of the 30 apartments on the frontage of the site and any visitors or residents with more than one vehicle in the case of Plots 29-31.

- 10.10 As acknowledged by the Inspector, the surrounding roads are mostly all subject to parking restrictions. Due to these restrictions any overspill parking from the site would not result in significant additional parking within the surrounding streets during peak hours and, as such, there is no indication that any overspill parking would result in any severe impacts upon highway safety. In respect of this matter the Inspector commented as follows:

'I am not convinced the parking to be provided is inadequate, but even if at times there is some overspill, this could well be balanced by the slight reduction of student activity. In any event, on-street parking would, because of the restrictions, mostly be confined to evenings and weekends when there would not appear to be any particular parking stress'.

- 10.11 Any additional overspill car parking that may result from the proposed two additional apartments, compared to the approved development, would be limited and, having regard to the above comments made by the Inspector, there is no evidence that any additional overspill parking would have an unacceptable impact on the surrounding area. Again, because of the restrictions in place, any overspill *would mostly be confined to evenings and weekends when there would not appear to be any particular parking stress.*
- 10.12 Having regard to the Inspector's decision in respect of the allowed appeal, Officers consider that there is no evidence to suggest that the parking provision made for the revised scheme would be inadequate.
- 10.13 Condition 8 of the Inspector's decision requires that 34 of the 70 parking spaces be allocated, with the remainder unallocated. To ensure that all of the properties within the site have access to parking spaces then it is considered to be reasonable and necessary, should planning permission be granted, for a similar condition to be imposed in this case.

Affordable housing and other obligations

- 10.14 Extensive negotiations by Officers and the Council's specialist advisors during the course of the appeal proceedings secured an affordable housing provision of 26.5% which equates to 13 of the two bedroom apartments.
- 10.15 The original submission in respect of the current application did not appear to propose any additional affordable housing to that previously approved. However, during the consideration of the current application the applicant has confirmed that they would be willing to offer one of the two additional units proposed as affordable housing. This would result in 14 of the two bedroom flats being affordable housing, with 4 as shared ownership and 10 rented, which represents a 27.5% provision. Whilst it is acknowledged that the proposal falls below the expectations within Policy HSG3 for an affordable housing provision of up to 40%, it is an improved offer having regard to the provision of 26.5% that was accepted in the case of the approved development in 2015. Officers consider that the current proposal, resulting in a provision of 27.5% affordable housing to be acceptable.
- 10.16 In respect of contributions towards local services and infrastructure, Officers recommend that the same contributions towards education, amenity green space, children and young people, youth services, libraries, outdoor sports, parks and gardens and sustainable transport are secured through a revised unilateral agreement. In addition to these contributions, and in accordance with the advice received from County Highways, Officers recommend that a Travel Plan and monitoring fee for this specific site of £2,000 is required. The Travel plan would be required by condition 20 as set out at the end of this report. Whilst it is noted that the Inspector's decision questioned the Travel Plan monitoring contribution, the Planning Inspectorate have subsequently advised that the Inspector may well have been wrong in concluding that a Travel Plan monitoring fee should not be sought for a proposal of 50 or more units. Furthermore, as the Highway Authority's threshold for Travel Plans is 50 units or more, then it would not have been appropriate for such a requirement to have been made in the case of the approved development. However, as the current proposal is for 51 units, then Officers consider that the recommendation made for a Travel Plan and a monitoring fee is appropriate and reasonable in this case.

Design and Layout

- 10.17 As outlined under the heading 'background to the proposal' above, the current proposal would result in very limited alterations to the side and rear elevations of the apartment building. Officers consider that these modest alterations would not have a detrimental impact upon the overall design of the development or the impact that it has upon the character and appearance of the area and the setting of the Ware Conservation Area.
- 10.18 The revised car parking layout to the rear of the apartment building would result in a longer continuous row of parking spaces, which would previously have been broken up by a vehicular access into the building. The parking spaces are also positioned approximately 1 metre closer to the boundary with Scotts Road than those shown on the previously approved plans. However, Officers do not consider that these modest changes to the car park layout would result in an unacceptable standard of design that would be detrimental to the character and appearance of the area. Furthermore, County Highways have raised no concerns in respect of the revised car parking layout.

Neighbour Amenity

- 10.19 No issues of neighbour amenity arose in respect of the recent appeal proposals. The proposed new windows, to serve one of the new apartments and replace the previously approved openings with railings, would be set back some 34 metres from the neighbouring dwellings within Scotts Road to the west. Having regard to this set back, Officers do not consider that the proposed changes to the design of the apartment building would result in any significant or unacceptable impact that on the amenities of neighbouring occupiers.

Other matters

- 10.20 The request made by the Historic Environment Advisor that an archaeological investigation should be required by condition has been carefully considered. The appeal Inspector stated that there was no evidence of any likelihood of archaeological remains being found, especially as the site was extensively remodelled in the 1960s and as such did not consider a condition to require further archaeology investigation to take place within this part of the site. Officers consider that the circumstances remain the same in the case of the current proposal, particularly as the development of the eastern part of the college site has not revealed any remains during recent monitoring. It is not considered therefore that a condition is reasonable or necessary in this case.

11.0 Conclusion

- 11.1 Having considered the details of the proposal, Officers consider that the revised proposal would not materially alter the impact of the approved development on the character and appearance of the area; the setting of the Ware Conservation Area, or the amenities of neighbouring occupiers. In addition, the affordable housing contribution proposed is considered to be acceptable.
- 11.2 Whilst it is accepted that the two additional units would put some additional pressure on the parking spaces available within the site, having regard to the conclusions made by the Inspector as outlined above; the requirement for 36 spaces to be unallocated and the location of those unallocated spaces, Officers consider that there is no evidence to demonstrate that the two additional units would result in an unacceptable parking provision on the site such that would justify the refusal of planning permission.
- 11.3 Therefore, having regard to the various representations that have been received, and applying significant weight to the Inspector's decision in the case of the approved development at this site, Officers consider the revised proposal to be acceptable and therefore recommend approval subject to the conditions and legal obligation set out below.

Legal Agreement – to be secured by way of an addendum to the previously agreed unilateral undertaking:

- 14 affordable dwellings (4No. shared ownership and 10No. rented);
- £6,497 towards Children and Young People;
- £ 90,973 towards primary education;
- £ 90, 419 towards secondary education;
- £ 1,830 towards youth services;
- £ 8,329 towards libraries;
- £ 44,269 towards outdoor sports;
- £ 6,823 towards Amenity Green Space;

- £ 15,992 towards parks and gardens;
- £ 35,000 towards sustainable transport;
- £ 2,000 Travel Plan monitoring fee.

Conditions:

It should be noted that the conditions imposed by the Inspector in the case of the allowed appeal are repeated below. Whilst details for the discharge of the previous conditions have been submitted to the Council for their agreement, at the time of writing this report, all of the conditions remain undischarged and as such it is necessary for the conditions to be re-applied if planning permission is granted in this case.

1. Three Year Time Limit (1T12)
2. Approved plans (2E10)
3. Prior to the commencement of works above ground level (excluding demolition) samples of the external materials of construction for the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. Prior to the first occupation of any dwellings hereby approved, the boundary walls, fences or other means of enclosure relating to the residential development shown on drawing no PH171- OP10 PL02E shall be erected and retained in accordance with the approved details.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

5. Prior to the commencement of works above ground level (excluding demolition) for the residential development hereby permitted all materials to be used for hard surfaced areas within the residential site including roads, driveways and car parking areas shall be submitted to and approved in writing by the Local Planning Authority. The

development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development does not detract from the appearance of the locality, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

6. Prior to the first occupation of the new residential buildings, all accesses and junction arrangements serving the residential development shall be completed in accordance with drawing number PH171-OP10-PL02 E, unless otherwise agreed in writing.

Reason: In the interests of highway safety.

7. Concurrent with the construction of each access to this site (listed below) and unless otherwise agreed in writing by the local planning authority, visibility splays of 2.4 metres X 43 metres shall be provided in both directions. These splays shall be permanently retained, within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway level: i) At the existing access to the site from Scotts Road. ii) At the new access to the site from Scotts Road.

Reason: To provide visibility for drivers of vehicles entering and leaving the site.

8. Prior to the first occupation of any of the new residential buildings, all on-site vehicular areas, including (but not limited to) internal access roads, forecourts, garages and car ports shall be accessible, surfaced and fully completed in accordance with drawing number PH171-OP10-PL02 E. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. 70 parking spaces shall be provided prior to the first occupation of any of the new residential buildings of which 34 shall be allocated and the remainder unallocated in accordance with a scheme to be agreed in writing with the local planning authority prior to the first occupation of any dwelling on the site. Notwithstanding any of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any amendments to such, the areas shown for parking on the agreed plan shall thereafter be retained solely for parking and for no other purpose and no alteration to the balance of allocated and unallocated spaces shall be made.

Reason: To ensure adequate off street parking provision for the development, in the interests of highway safety, in accordance with

policy TR7 and Appendix II of the East Herts Local Plan Second Review April 2007

9. The garages provided on site shall be used for the housing of private vehicles solely for the benefit of the occupants of the dwelling of which it forms part and their visitors, and not as additional living accommodation or for any commercial activity

Reason: To ensure the continued provision of off-street parking facilities in the interests of highway safety to safeguard the amenities of adjoining occupiers, and in accordance with policies ENV9 and TR7 of the East Herts Local Plan Second Review April 2007.

10. Prior to the commencement of development for the new residential buildings, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' shall identify details of: phasing for the development of the site, including all highway works; methods for accessing the site, including construction vehicle numbers and routing; location and details of wheel washing facilities; associated parking areas and storage of materials clear of the public highway.

Reason: In the interests of highway safety.

11. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

12. Prior to the commencement of the development for the new residential buildings hereby approved, detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is properly related to the levels of adjoining development in the interests of neighbour amenity

and good design in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007

13. All trees and hedges immediately adjoining the site shall be protected from damage as a result of works on the site, in accordance with *BS5837:2012 Trees* in relation to demolition and construction, for the duration of the works on site and until at least five years following contractual practical completion of the approved development.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

14. All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

15. The development hereby permitted shall be carried out in accordance with the provisions of the Landscape Management Plan.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

16. Details of any external lighting proposed in connection with the residential development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

17. In respect of contaminated land the development shall be carried out in accordance with the details set out within the 'Brown 2 Green' Geo-

Environmental Desk Study and Site Investigation (SI) of September 2013_Ref. 1113/Rpt 1v1, supplementary post-demolition investigation is required in accordance with the recommendations made within the report and prior to the occupation of the residential development a verification report of the findings and any remediation taken shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

18. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

19. The development hereby permitted (except demolition) shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) (prepared by: Ardent Consulting Engineers; reference: R780-02; dated: September 2013) has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include an assessment of the use of further Sustainable Drainage Systems in addition to those already proposed and confirmation of the required attenuation volumes on site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: In the interests of the management of surface water flows and in accordance with Policy ENV21 of the East Herts Local Plan Second Review, April 2007 and national planning policy guidance set out in section 10 of National Planning Policy Framework.

20. Prior to the occupation of the development hereby permitted a Travel Plan Statement setting out a scheme to encourage, regulate, and promote green travel measures for owners, occupiers, and visitors to the development in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development' shall be submitted to and approved in writing by the Local Planning Authority. The details within the Travel Plan Statement

shall thereafter adhered to unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote the use of non car modes of transport in accordance with national guidance in section 4 of the National Planning Policy Framework and policy TR4 of East Herts Local Plan Second Review April 2007.

Informatives:

1. Street Naming and Numbering (19SN)
2. Groundwater protection zone (28GP) (Musley Lane)
3. Asbestos (34AS)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies and the planning permission granted at appeal under LPA reference 3/14/1766/FP is that permission should be granted.

KEY DATA

Residential Development

Residential density		
	Bed spaces	Number of units
Number of new flat units	2	30
Number of new house units	3	8
	4	13
Total		51

Affordable Housing

Number of units	Percentage
14	27.5

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	0
2	1.50	45
3	2.25	18
4+	3.00	39
Total required		102
Provision for zone 3	50-75%	51-74
Resulting requirement		51-74
Proposed provision		70

Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	
2	2.00	60
3	2.50	20

4+	3.00	39
Total required		119
Provision for zone 3	50-100%	59.5 -119
Resulting requirement		59.5 -119
Proposed provision		70